



General Assembly

Amendment

January Session, 2013

LCO No. 7552

HB0635507552HD0

Offered by:

REP. TONG, 147th Dist.

SEN. LEONE, 27th Dist.

REP. ALBERTS, 50th Dist.

To: Subst. House Bill No. **6355**

File No. 286

Cal. No. 196

"AN ACT CONCERNING HOMEOWNER PROTECTION RIGHTS."

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. Section 49-31k of the general statutes is repealed and the
4 following is substituted in lieu thereof (*Effective July 15, 2013*):

5 As used in this section and sections 49-31l to 49-31o, inclusive, as
6 amended by this act, and section 5 of this act:

7 (1) "Mortgagor" means: (A) The owner-occupant of one-to-four
8 family residential real property located in this state who is also the
9 borrower under a mortgage encumbering such residential real
10 property, except an heir or occupying nonowner of a property
11 encumbered by a reverse annuity mortgage, which is the primary
12 residence of such owner-occupant, or (B) a religious organization that
13 is (i) the owner of real property located in this state, and (ii) the

14 borrower under a mortgage encumbering such real property;

15 (2) "Residential real property" means a one-to-four family dwelling,
16 occupied as a residence by a mortgagor;

17 (3) "Mortgagee" means the [original lender or servicer under a
18 mortgage, or its successors or assigns, who is the holder of any
19 mortgage] owner or servicer of the debt secured by a mortgage on
20 residential real property or real property owned by a religious
21 organization securing a loan made primarily for personal, family,
22 religious or household purposes that is the subject of a foreclosure
23 action;

24 (4) "Authority" means the Connecticut Housing Finance Authority
25 created under section 8-244;

26 (5) "Mortgage assistance programs" means the mortgage assistance
27 programs developed and implemented by the authority in accordance
28 with sections 8-265cc to 8-265kk, inclusive, 8-265rr and 8-265ss; [and]

29 (6) "Religious organization" means an organization that meets the
30 religious purposes test of Section 501(c)(3) of the Internal Revenue
31 Code of 1986; [.]

32 (7) "Objectives of the mediation program" (A) means a
33 determination as to whether or not the parties can reach an agreement
34 that will (i) avoid foreclosure by means that may include consideration
35 of any loss mitigation options available through the mortgagee, or (ii)
36 expedite or facilitate the foreclosure in a manner acceptable to the
37 parties, and (B) includes an expectation that all parties shall endeavor
38 to reach such determination with reasonable speed and efficiency by
39 participating in the mediation process in good faith, but without
40 unreasonable and unnecessary delays; and

41 (8) "Ability to mediate" means an exhibition on the part of the
42 relevant person of a willingness, including a reasonable ability, to
43 participate in the mediation process in a manner consistent with the

44 objectives of the mediation program and in conformity with any
45 obligations imposed in accordance with subdivision (2) of subsection
46 (b) or (c), as applicable, of section 49-31n, as amended by this act,
47 including, but not limited to, a willingness and reasonable ability to
48 respond to questions and specify or estimate when particular decisions
49 will be made or particular information will be furnished and, with
50 respect to the mortgagee, a reasonable familiarity with the loan file,
51 any loss mitigation options that are available to the mortgagor and the
52 material issues raised in prior mediation sessions. Reasonable
53 familiarity with such material issues may be achieved by becoming
54 reasonably familiar with the mediator reports submitted in accordance
55 with subdivision (4) of subsections (b) and (c) of section 49-31n, as
56 amended by this act, to the extent such reports are available.

57 Sec. 2. Section 49-31l of the general statutes is repealed and the
58 following is substituted in lieu thereof (*Effective July 15, 2013*):

59 (a) Prior to July 1, 2014: (1) Any action for the foreclosure of a
60 mortgage on residential real property with a return date during the
61 period from July 1, 2008, to June 30, 2009, inclusive, shall be subject to
62 the provisions of subsection (b) of this section, and (2) any action for
63 the foreclosure of a mortgage on (A) residential real property with a
64 return date during the period from July 1, 2009, to June 30, 2014,
65 inclusive, or (B) real property owned by a religious organization with a
66 return date during the period from October 1, 2011, to June 30, 2014,
67 inclusive, shall be subject to the provisions of subsection (c) of this
68 section.

69 (b) (1) Prior to July 1, [2012] 2014, when a mortgagee commences an
70 action for the foreclosure of a mortgage on residential real property
71 with a return date during the period from July 1, 2008, to June 30, 2009,
72 inclusive, the mortgagee shall give notice to the mortgagor of the
73 foreclosure mediation program established in section 49-31m by
74 attaching to the front of the foreclosure complaint that is served on the
75 mortgagor: (A) A copy of the notice of the availability of foreclosure
76 mediation, in such form as the Chief Court Administrator prescribes,

77 and (B) a foreclosure mediation request form, in such form as the Chief
78 Court Administrator prescribes.

79 (2) Except as provided in subdivision (3) of this subsection, a
80 mortgagor may request foreclosure mediation by submitting the
81 foreclosure mediation request form to the court and filing an
82 appearance not more than fifteen days after the return date for the
83 foreclosure action. Upon receipt of the foreclosure mediation request
84 form, the court shall notify each appearing party that a foreclosure
85 mediation request form has been submitted by the mortgagor.

86 (3) The court may grant a mortgagor permission to submit a
87 foreclosure mediation request form and file an appearance after the
88 fifteen-day period established in subdivision (2) of this subsection, for
89 good cause shown. [except that no foreclosure mediation request
90 form may be submitted and no appearance may be filed more than
91 twenty-five days after the return date.]

92 (4) No foreclosure mediation request form may be submitted to the
93 court under this subsection on or after July 1, [2012] 2014.

94 (5) If at any time on or after July 1, 2008, but prior to July 1, [2012]
95 2014, the court determines that the notice requirement of subdivision
96 (1) of this subsection has not been met, the court may, upon its own
97 motion or upon the written motion of the mortgagor, issue an order
98 that no judgment may enter for fifteen days during which period the
99 mortgagor may submit a foreclosure mediation request form to the
100 court.

101 (6) Notwithstanding any provision of the general statutes or any
102 rule of law to the contrary, prior to July 1, [2012] 2014, no judgment of
103 strict foreclosure nor any judgment ordering a foreclosure sale shall be
104 entered in any action subject to the provisions of this subsection and
105 instituted by the mortgagee to foreclose a mortgage on residential real
106 property unless: (A) Notice to the mortgagor has been given by the
107 mortgagee in accordance with subdivision (1) of this subsection and

108 the time for submitting a foreclosure mediation request form has
109 expired and no foreclosure mediation request form has been
110 submitted, or if such notice has not been given, the time for submitting
111 a foreclosure mediation request form pursuant to subdivision (2) or (3)
112 of this subsection has expired and no foreclosure mediation request
113 form has been submitted, or (B) the mediation period set forth in
114 subdivision (b) of section 49-31n has expired or has otherwise
115 terminated, whichever is earlier.

116 (7) None of the mortgagor's or mortgagee's rights in the foreclosure
117 action shall be waived by the mortgagor's submission of a foreclosure
118 mediation request form to the court.

119 (c) (1) Prior to July 1, 2014, when a mortgagee commences an action
120 for the foreclosure of a mortgage on residential real property with a
121 return date on or after July 1, 2009, or, with respect to real property
122 owned by a religious organization, a return date on or after October 1,
123 2011, the mortgagee shall give notice to the mortgagor of the
124 foreclosure mediation program established in section 49-31m, as
125 amended by this act, by attaching to the front of the writ, summons
126 and complaint that is served on the mortgagor: (A) A copy of the
127 notice of foreclosure mediation, in such form as the Chief Court
128 Administrator prescribes, (B) a copy of the foreclosure mediation
129 certificate form described in subdivision (3) of this subsection, in such
130 form as the Chief Court Administrator prescribes, (C) a blank
131 appearance form, in such form as the Chief Court Administrator
132 prescribes, [and] (D) with respect to an action for the foreclosure of a
133 mortgage on residential real property with a return date on or after
134 October 1, 2011, to September 30, 2013, inclusive, a mediation
135 information form and a notice containing contact information for
136 authority-approved consumer credit counseling agencies, which form
137 and notice shall be in such form as the Chief Court Administrator
138 prescribes, [. Such mediation information form shall be] and which
139 form shall be designed to elicit current financial information and such
140 other nonfinancial information from the mortgagor as the Chief Court

141 Administrator, in consultation with representatives from the banking
142 industry and consumer advocates, determines will [be useful to]
143 further the objectives of the mediation [process] program. The
144 instructions to the mediation information form shall explain that the
145 completed mediation information form, along with accompanying
146 documentation reasonably requested from the mortgagor by way of
147 such instructions, shall be delivered to the mortgagee's counsel not
148 later than fifteen business days prior to the date of the initial mediation
149 session, as identified in the notice provided pursuant to subdivision (2)
150 of subsection (c) of section 49-31n, as amended by this act, and (E) for
151 an action to foreclose a mortgage on residential real property with a
152 return date on or after October 1, 2013, the mediation information form
153 shall instruct the mortgagor as to the objectives of the mediation
154 program, explain the preliminary process of meeting with the
155 mediator as described in subdivision (4) of this subsection, instruct the
156 mortgagor to begin gathering financial documentation commonly used
157 in foreclosure mediation for use in meeting with the mediator and in
158 mediation, and include a notice containing contact information for
159 authority-approved consumer counseling agencies, which shall be in
160 such form as the Chief Court Administrator prescribes. The content of
161 the mediation information form shall be designed by the Chief Court
162 Administrator in consultation with representatives from the banking
163 industry and consumer advocates.

164 (2) The court shall issue a notice of foreclosure mediation described
165 in subdivision (3) of this subsection to the mortgagor not later than the
166 date three business days after the date the mortgagee returns the writ
167 to the court.

168 (3) The notice of foreclosure mediation shall instruct the mortgagor
169 to file the appearance and foreclosure mediation certificate forms with
170 the court not later than the date fifteen days from the return date for
171 the foreclosure action. [Such] With respect to actions with a return date
172 on or after October 1, 2011, to September 30, 2013, inclusive, such
173 notice shall remind the mortgagor to deliver the completed mediation

174 information form and the accompanying documentation described in
175 subdivision (1) of this subsection and encourage such delivery in
176 advance of the required date. With respect to actions with a return date
177 on or after October 1, 2013, to June 30, 2014, inclusive, such notice shall
178 instruct the mortgagor to begin gathering financial information
179 commonly used in foreclosure mediation for use in meeting with the
180 mediator and in mediation. The mediation information form and
181 accompanying documentation shall not, without the explicit written
182 instruction of the mortgagor, be publicly available. Such notice of
183 foreclosure mediation shall be accompanied by materials from the
184 Department of Banking, as prescribed by the Chief Court
185 Administrator, which shall describe the community-based resources
186 available to the mortgagor, including authority-approved housing
187 counseling agencies that may assist with preparation [of the mediation
188 information form] for mediation and application for mortgage
189 assistance programs. The foreclosure mediation certificate form shall
190 require the mortgagor to provide sufficient information to permit the
191 court to confirm that the defendant in the foreclosure action is a
192 mortgagor, and to certify that said mortgagor has sent a copy of the
193 mediation certificate form to the plaintiff in the action.

194 (4) Upon receipt of the mortgagor's appearance and foreclosure
195 mediation certificate forms, and provided the court confirms the
196 defendant in the foreclosure action is a mortgagor and that said
197 mortgagor has sent a copy of the mediation certificate form to the
198 plaintiff, the court shall [schedule a date for foreclosure mediation in
199 accordance with subsection (c) of section 49-31n. The court shall issue
200 notice of such mediation date to all appearing parties] assign the case
201 to mediation and issue notice of such assignment to all appearing
202 parties, which notice shall include an electronic mail address for all
203 communications related to the mediation. The court shall issue such
204 notice not earlier than the date five business days after the return date
205 or by the date three business days after the date on which the court
206 receives the mortgagor's appearance and foreclosure mediation
207 certificate forms, whichever is later, except that if the court does not

208 receive the appearance and foreclosure mediation certificate forms
209 from the mortgagor by the date fifteen days after the return date for
210 the foreclosure action, the court shall not [schedule such mediation.]
211 assign the case to mediation. Promptly upon receipt of the notice of
212 assignment, but not later than the thirty-fifth day following the return
213 date, the mortgagee or its counsel shall deliver to the mediator, via the
214 electronic mail address provided for communications related to the
215 mediation, and to the mortgagor, via first class, priority or overnight
216 mail, (A) an account history identifying all credits and debits assessed
217 to the loan account and any related escrow account in the immediately
218 preceding twelve-month period and an itemized statement of the
219 amount required to reinstate the mortgage loan with accompanying
220 information, written in plain language, to explain any codes used in
221 the history and statement which are not otherwise self-explanatory, (B)
222 the name, business mailing address, electronic mail address, facsimile
223 number and direct telephone number of an individual able to respond
224 with reasonable adequacy and promptness to questions relative to the
225 information submitted to the mediator pursuant to this subdivision,
226 and any subsequent updates to such contact information, which shall
227 be provided reasonably promptly to the mediator via the electronic
228 mail address provided for communication related to the mediation, (C)
229 all reasonably necessary forms and a list of all documentation
230 reasonably necessary for the mortgagee to evaluate the mortgagor for
231 common alternatives to foreclosure that are available through the
232 mortgagee, if any, (D) a copy of the note and mortgage, (E) summary
233 information regarding the status of any pending foreclosure avoidance
234 efforts being undertaken by the mortgagee, (F) a copy of any loss
235 mitigation affidavit filed with the court, and (G) at the mortgagee's
236 option, (i) the history of foreclosure avoidance efforts with respect to
237 the mortgagor, (ii) information regarding the condition of mortgaged
238 property, and (iii) such other information as the mortgagee may
239 determine is relevant to meeting the objectives of the mediation
240 program. Following the mediator's receipt of such information, the
241 court shall assign a mediator to the mediation and schedule a meeting
242 with the mediator and the mortgagor and shall endeavor to schedule

243 such meeting on or prior to the forty-ninth day following the return
244 date. The notice of such meeting shall instruct the mortgagor to
245 complete the forms prior to the meeting and to furnish such forms
246 together with the documentation contained in the list, as provided by
247 the mortgagee following the filing of the foreclosure mediation
248 certificate, at the meeting. At such meeting, the mediator shall review
249 such forms and documentation with the mortgagor, along with the
250 information supplied by the mortgagee, in order to discuss the options
251 that may be available to the mortgagor, including any community-
252 based resources, and assist the mortgagor in completing the forms and
253 furnishing the documentation necessary for the mortgagee to evaluate
254 the mortgagor for alternatives to foreclosure. The mediator may elect
255 to schedule subsequent meetings with the mortgagor and determine
256 whether any mortgagor may be excused from an in-person appearance
257 at such subsequent meeting. As soon as practicable, but in no case later
258 than the eighty-fourth day following the return date, the mediator
259 shall facilitate and confirm the submission by the mortgagor of the
260 forms and documentation to the mortgagee's counsel via electronic
261 means and, at the mortgagee's election, directly to the mortgagee per
262 the mortgagee's instruction, and determine, based on the mortgagor's
263 attendance at the meetings and the extent the mortgagor completed the
264 forms and furnished the documentation contemplated in this
265 subdivision, or failed to perform such tasks through no material fault
266 of the mortgagee, and file a report with the court indicating, (I)
267 whether mediation shall be scheduled with the mortgagee, (II) whether
268 the mortgagor attended scheduled meetings with the mediator, (III)
269 whether the mortgagor fully or substantially completed the forms and
270 furnished the documentation requested by the mortgagee, (IV) the
271 date on which the mortgagee supplied the forms and documentation,
272 and (V) any other information the mediator determines to be relevant
273 to the objectives of the mediation program. No meeting or
274 communication between the mediator and mortgagor under this
275 subdivision shall be treated as an impermissible ex parte
276 communication. If the mediator determines that the mortgagee shall
277 participate in mediation, the court shall promptly issue notice to all

278 parties of such determination and schedule a mediation session
279 between the mortgagee and mortgagor in accordance with subsection
280 (c) of section 49-31n, as amended by this act, to be held not later than
281 five weeks following the submission to the mortgagee of the forms and
282 documentation contemplated in this subdivision. If the mediator
283 determines that no sessions between the mortgagee and mortgagor
284 shall be scheduled, the court shall promptly issue notice to all parties
285 regarding such determination and mediation shall be terminated. Any
286 mortgagor wishing to contest such determination shall petition the
287 court and show good cause for reinclusion in the mediation program,
288 including, but not limited to, a material change in financial
289 circumstances or a mistake or misunderstanding of the facts by the
290 mediator.

291 (5) Notwithstanding the provisions of this subsection, the court may
292 refer a foreclosure action brought by a mortgagee to the foreclosure
293 mediation program at any time, for good cause shown, provided the
294 mortgagor has filed an appearance in said action and further provided
295 the court shall, not later than the date three business days after the date
296 on which it makes such referral, send a notice to each appearing party
297 [scheduling the first foreclosure mediation session for a date not later
298 than the date thirty-five days from the date of such referral] assigning
299 the case to mediation and requiring the parties to participate in the
300 premediation process described in subdivision (4) of this subsection,
301 with the court establishing deadlines to ensure that the premediation
302 process is to be completed by the parties as expeditiously as the
303 circumstances warrant and permit. When determining whether good
304 cause exists, the court shall consider whether the parties are likely to
305 benefit from mediation and, in the case of a referral after prior
306 attempts at mediation have been terminated, whether there has been a
307 material change in circumstances.

308 (6) Notwithstanding any provision of the general statutes or any
309 rule of law, prior to July 1, 2014, (A) for the period of time which shall
310 not exceed eight months from the return date, the mortgagor shall be

311 permitted to file an answer, special defenses or counterclaims, but no
312 mortgagee or mortgagor shall make any motion, request or demand
313 with respect to the other, except those motions, requests or demands
314 that relate to the mediation program described in section 49-31m, as
315 amended by this act, and the mediation sessions held pursuant to such
316 program, provided (i) a mortgagor seeking to contest the court's
317 jurisdiction may file a motion to dismiss and the mortgagee may object
318 to such motion to dismiss in accordance with applicable law and the
319 rules of the courts, and (ii) if the mortgagor elects to make any other
320 motion, request or demand with respect to the mortgagee, the eight-
321 month limit shall no longer apply to either party; and (B) no judgment
322 of strict foreclosure nor any judgment ordering a foreclosure sale shall
323 be entered in any action subject to the provisions of this subsection and
324 instituted by the mortgagee to foreclose a mortgage on residential real
325 property or real property owned by a religious organization unless: (i)
326 The mediation period set forth in subsection (c) of section 49-31n, as
327 amended by this act, has expired or has otherwise terminated,
328 whichever is earlier, and, if fewer than eight months has elapsed from
329 the return date at the time of termination, fifteen days have elapsed
330 since such termination and any pending motion or request to extend
331 the mediation period has been heard and denied by the court, or (ii)
332 the mediation program is not otherwise required or available. Nothing
333 in this subdivision shall affect any motion made or any default or
334 judgment entered on or before June 30, 2011.

335 (7) With respect to foreclosure actions with a return date on or after
336 July 1, 2011, to June 30, 2014, inclusive, notwithstanding any provision
337 of the general statutes or any rule of law to the contrary, the mortgagee
338 shall be permitted [, on or before July 1, 2014, and] following the eight-
339 month or fifteen-day period described in subdivision (6) of this
340 subsection, to simultaneously file, as applicable, (A) a motion for
341 default, and (B) a motion for judgment of strict foreclosure or a motion
342 for judgment of foreclosure by sale with respect to the mortgagor in
343 the foreclosure action.

344 (8) None of the mortgagor's or mortgagee's rights in the foreclosure
345 action shall be waived by participation in the foreclosure mediation
346 program.

347 Sec. 3. Section 49-31m of the general statutes is repealed and the
348 following is substituted in lieu thereof (*Effective July 15, 2013*):

349 The Chief Court Administrator shall establish in each judicial
350 district a foreclosure mediation program in actions to foreclose
351 mortgages on residential real property or real property owned by a
352 religious organization. Such foreclosure mediation shall (1) address all
353 issues of foreclosure, including, but not limited to, reinstatement of the
354 mortgage, disposition of the property through means other than the
355 foreclosure process, including short sales and deeds in lieu of
356 foreclosure, assignment of law days, assignment of sale date,
357 restructuring of the mortgage debt and foreclosure by decree of sale,
358 and (2) be conducted by foreclosure mediators who (A) have a duty to
359 be unbiased and are employed by the Judicial Branch, (B) are trained
360 in mediation and all relevant aspects of the law, as determined by the
361 Chief Court Administrator, (C) have knowledge of the community-
362 based resources that are available in the judicial district in which they
363 serve, and (D) have knowledge of the mortgage assistance programs.
364 Such mediators may refer mortgagors who participate in the
365 foreclosure mediation program to community-based resources when
366 appropriate and to the mortgage assistance programs. Such mediators
367 shall not give legal advice to any party in mediation.

368 Sec. 4. Section 49-31n of the general statutes is repealed and the
369 following is substituted in lieu thereof (*Effective July 15, 2013*):

370 (a) Prior to July 1, 2014: (1) Any action for the foreclosure of a
371 mortgage on residential real property with a return date during the
372 period from July 1, 2008, to June 30, 2009, inclusive, shall be subject to
373 the provisions of subsection (b) of this section, and (2) any action for
374 the foreclosure of a mortgage on (A) residential real property with a
375 return date during the period from July 1, 2009, to June 30, 2014,

376 inclusive, or (B) real property owned by a religious organization with a
377 return date during the period from October 1, 2011, to June 30, 2014,
378 inclusive, shall be subject to the provisions of subsection (c) of this
379 section.

380 (b) (1) For any action for the foreclosure of a mortgage on residential
381 real property with a return date during the period from July 1, 2008, to
382 June 30, 2009, inclusive, the mediation period under the foreclosure
383 mediation program established in section 49-31m, as amended by this
384 act, shall commence when the court sends notice to each appearing
385 party that a foreclosure mediation request form has been submitted by
386 a mortgagor to the court, which notice shall be sent not later than three
387 business days after the court receives a completed foreclosure
388 mediation request form. The mediation period shall conclude not
389 [more than sixty days after the return date for the foreclosure action]
390 later than the conclusion of the third mediation session between the
391 mortgagor and mortgagee or seven months after the return date,
392 whichever is earlier, except that the court may, in its discretion, for
393 good cause shown, upon the motion of any party or the mediator, (A)
394 extend [, by not more than thirty days, or shorten the mediation period
395 on its own motion or upon motion of any party, or (B) extend by not
396 more than thirty days the mediation period upon written request of
397 the mediator] the mediation period subject to the provisions of
398 subdivision (9) of this subsection or shorten the mediation period.

399 (2) The first mediation session shall be held not later than fifteen
400 business days after the court sends notice to all parties that a
401 foreclosure mediation request form has been submitted to the court.
402 The mortgagor and mortgagee shall appear in person at each
403 mediation session and shall have [authority to agree to a proposed
404 settlement] the ability to mediate, except that (A) if [the mortgagee] a
405 party is represented by counsel, the [mortgagee's] party's counsel may
406 appear in lieu of the [mortgagee] party to represent the [mortgagee's]
407 party's interests at the mediation, provided [such counsel has the
408 authority to agree to a proposed settlement] the party has the ability to

409 mediate, the mortgagor attends the first mediation session in person,
410 and the [mortgagee] party is available (i) during the mediation session
411 by telephone, and (ii) to participate in the mediation session by
412 speakerphone, provided an opportunity is afforded for confidential
413 discussions between the [mortgagee and mortgagee's] party and
414 party's counsel, [and] (B) following the initial mediation session, if
415 there are two or more mortgagors who are self-represented, only one
416 mortgagor shall be required to appear in person at each subsequent
417 mediation session unless good cause is shown, provided the other
418 mortgagors are available (i) during the mediation session, and (ii) to
419 participate in the mediation session by speakerphone, [provided an
420 opportunity is afforded for confidential discussions among the
421 mortgagors and such mortgagors' counsel. The court shall not award
422 attorney's fees to any mortgagee for time spent in any mediation
423 session if the court finds that such mortgagee has failed to comply with
424 this subdivision, unless the court finds reasonable cause for such
425 failure.] and (C) if a party suffers from a disability or other significant
426 hardship that imposes an undue burden on such party to appear in
427 person, the mediator may grant permission to such party to participate
428 in the mediation session by telephone. A mortgagor's spouse, who is
429 not a mortgagor but who lives in the subject property, may appear at
430 each mediation session, provided all appearing mortgagors consent, in
431 writing, to such spouse's appearance or such spouse shows good cause
432 for his or her appearance and the mortgagors consent in writing to the
433 disclosure of nonpublic personal information to such spouse. If the
434 mortgagor has submitted a complete package of financial
435 documentation in connection with a request for a particular
436 foreclosure alternative, the mortgagee shall have thirty-five days from
437 the receipt of the completed package to respond with a decision and, if
438 the decision is a denial of the request, provide the reasons for such
439 denial. If the mortgagor has, in connection with a request for a
440 foreclosure alternative, submitted a financial package that is not
441 complete, or if the mortgagee's evaluation of a complete package
442 reveals that additional information is necessary to underwrite the
443 request, the mortgagee shall request the missing or additional

444 information within a reasonable period of time of such evaluation. If
445 the mortgagee's evaluation of a complete package reveals that
446 additional information is necessary to underwrite the request, the
447 thirty-five-day deadline for a response shall be extended but only for
448 so long as is reasonable given the timing of the mortgagor's submission
449 of such additional information and the nature and context of the
450 required underwriting. Not later than the third business day after each
451 mediation session held on or after the effective date of this act, the
452 mediator shall file with the court a report indicating, to the extent
453 applicable, (i) the extent to which each of the parties complied with the
454 requirements set forth in this subdivision, including the requirement to
455 engage in conduct that is consistent with the objectives of the
456 mediation program and to possess the ability to mediate, (ii) whether
457 the mortgagor submitted a complete package of financial
458 documentation to the mortgagee, (iii) a general description of the
459 foreclosure alternative being requested by the mortgagor, (iv) whether
460 the mortgagor has previously been evaluated for similar requests,
461 whether prior to mediation or in mediation, and, if so, whether there
462 has been any apparent change in circumstances since a decision was
463 made with respect to that prior evaluation, (v) whether the mortgagee
464 has responded to the mortgagor's request for a foreclosure alternative
465 and, if so, a description of the response and whether the mediator is
466 aware of any material reason not to agree with the response, (vi)
467 whether the mortgagor has responded to an offer made by the
468 mortgagee on a reasonably timely basis, and if so, an explanation of
469 the response, (vii) whether the mortgagee has requested additional
470 information from the mortgagor and, if so, the stated reasons for the
471 request and the date by which such additional information shall be
472 submitted so that information previously submitted by the mortgagor,
473 to the extent possible, may still be used by the mortgagee in
474 conducting its review, (viii) whether the mortgagor has supplied, on a
475 reasonably timely basis, any additional information that was
476 reasonably requested by the mortgagee, and, if not, the stated reason
477 for not doing so, (ix) if information provided by the mortgagor is no
478 longer current for purposes of evaluating a foreclosure alternative, a

479 description of the out-of-date information and an explanation as to
480 how and why such information is no longer current, (x) whether the
481 mortgagee has provided a reasonable explanation of the basis for a
482 decision to deny a request for a loss mitigation option or foreclosure
483 alternative and whether the mediator is aware of any material reason
484 not to agree with that decision, (xi) whether the mortgagee has
485 complied with the timeframes set forth in this subdivision for
486 responding to requests for decisions, (xii) if a subsequent mediation
487 session is expected to occur, a general description of the expectations
488 for such subsequent session and for the parties prior to such
489 subsequent session and, if not otherwise addressed in the report,
490 whether the parties satisfied the expectations set forth in previous
491 reports, and (xiii) a determination of whether the parties will benefit
492 from further mediation. The mediator shall deliver a copy of such
493 report to each party to the mediation when the mediator files the
494 report. The parties shall have the opportunity to submit their own
495 supplemental information following the filing of the report, provided
496 such supplemental information shall be submitted not later than five
497 business days following the receipt of the mediator's report. Any
498 request by the mortgagee to the mortgagor for additional or updated
499 financial documentation shall be made in writing. The court may
500 impose sanctions on any party or on counsel to a party if such party or
501 such counsel engages in intentional or a pattern or practice of conduct
502 during the mediation process that is contrary to the objectives of the
503 mediation program. Any sanction that is imposed shall be
504 proportional to the conduct and consistent with the objectives of the
505 mediation program. Available sanctions shall include, but not be
506 limited to, terminating mediation, ordering the mortgagor or
507 mortgagee to mediate in person, forbidding the mortgagee from
508 charging the mortgagor for the mortgagee's attorney's fees, awarding
509 attorney's fees, and imposing fines. In the case of egregious
510 misconduct, the sanctions shall be heightened. The court shall not
511 award attorney's fees to any mortgagee for time spent in any
512 mediation session if the court finds that such mortgagee has failed to
513 comply with this subdivision, unless the court finds reasonable cause

514 for such failure.

515 (3) [Not later than two days after the conclusion of the first
516 mediation session, the mediator shall determine whether the parties
517 will benefit from further mediation. The mediator shall file with the
518 court a report setting forth such determination and mail a copy of such
519 report to each appearing party.] If the mediator reports to the court
520 that the parties will not benefit from further mediation, the mediation
521 period shall terminate automatically. If the mediator reports to the
522 court after the first or second mediation session that the parties may
523 benefit from further mediation, the mediation period shall continue.

524 (4) [If the mediator has submitted a report to the court that the
525 parties may benefit from further mediation pursuant to subdivision (3)
526 of this subsection, not more than two days after the conclusion of the
527 mediation, but not later than the termination of the mediation period
528 set forth in subdivision (1) of this subsection, the mediator shall file a
529 report with the court describing the proceedings and specifying the
530 issues resolved, if any, and any issues not resolved pursuant to the
531 mediation. The filing of the report shall terminate the mediation period
532 automatically.] If the mediation period concludes and certain issues
533 have not been resolved pursuant to the mediation, the mediator may
534 refer the mortgagor to any appropriate community-based services that
535 are available, [in the judicial district, but any such referral shall not
536 cause a delay in the mediation process.]

537 (5) The Chief Court Administrator shall establish policies and
538 procedures to implement this subsection. Such policies and procedures
539 shall, at a minimum, provide that the mediator shall advise the
540 mortgagor at the first [mediation session] meeting required by
541 [subdivision (2) of this subsection] subdivision (4) of subsection (c) of
542 section 49-31l, as amended by this act, that [:(A) Such mediation does
543 not suspend the mortgagor's obligation to respond to the foreclosure
544 action; and (B)] a judgment of strict foreclosure or foreclosure by sale
545 may cause the mortgagor to lose the residential real property to
546 foreclosure.

547 (6) In no event shall any determination issued by a mediator under
548 this program form the basis of an appeal of any foreclosure judgment.

549 (7) Foreclosure mediation request forms shall not be accepted by the
550 court under this subsection on or after July 1, [2012] 2014, and the
551 foreclosure mediation program shall terminate when all mediation has
552 concluded with respect to any applications submitted to the court prior
553 to July 1, 2014.

554 (8) At any time during the mediation period, the mediator may refer
555 a mortgagor who is the owner-occupant of one-to-four family
556 residential real property to the mortgage assistance programs, except
557 that any such referral shall not prevent a mortgagee from proceeding
558 to judgment when the conditions specified in subdivision (6) of
559 subsection (b) of section 49-31l, as amended by this act, have been
560 satisfied.

561 (9) (A) The mediation period shall conclude following the third
562 mediation session or if more than seven months have elapsed since the
563 return date. Not later than fifteen days following the conclusion of the
564 mediation period, and any extended mediation sessions held in
565 accordance with this subdivision, any party may move for, or the
566 mediator may request, an extension of the mediation period. The court
567 shall grant only one additional mediation session per motion or
568 request upon a finding that it is highly probable the parties will reach
569 an agreement through mediation. The court may also grant one
570 additional mediation session per motion or request upon a finding that
571 any party has engaged, either intentionally or by a pattern or practice,
572 in conduct that is contrary to the objectives of the mediation program.
573 The court shall make its ruling not later than twenty days after the
574 filing of such motion or request, and no judgment of strict foreclosure
575 or any judgment ordering a foreclosure sale shall be entered until (i)
576 the court denies the motion or request, or (ii) the conclusion of the
577 extended mediation session, except as provided in subparagraph (B) of
578 this subdivision. Upon the grant of an additional mediation session
579 following the proper finding, the court shall establish an expeditious

580 deadline for such extended mediation session to occur. Such extended
581 mediation period shall conclude following such extended mediation
582 session.

583 (B) The mediation period may be extended for one additional
584 mediation session without a hearing held pursuant to this subdivision
585 provided all parties to the mediation agree that such parties would
586 benefit from such a session and, in consultation with the mediator,
587 establish an expeditious deadline for such session to take place.

588 (C) To determine whether to extend mediation, the court may
589 consider all matters that have arisen in the mediation, including, but
590 not limited to, the number of motions to extend mediation, the reasons
591 for which an agreement has not been reached, the objectives of the
592 mediation program, the extent to which the parties will benefit from
593 further mediation, the reports submitted by the mediator, papers
594 submitted in connection with any motion, and any supplemental
595 reports submitted by a party. The court shall articulate its reasons in
596 the order granting or denying any such motion or request to extend
597 mediation.

598 (10) For any case pending as of October 1, 2013, in which mediation
599 is ongoing, (A) if three or fewer sessions have been held, such case
600 shall be treated as if no sessions have been held as of said date for
601 purposes of subdivision (9) of this subsection, and (B) if four or more
602 sessions have been held, then any party or the mediator may move to
603 terminate the mediation period or extend such period in accordance
604 with subdivision (9) of this subsection and, if no such motion to extend
605 is made, the mediation period shall conclude after the third mediation
606 session occurring after October 1, 2013.

607 (c) (1) For any action for the foreclosure of a mortgage on residential
608 real property with a return date during the period from July 1, 2009, to
609 June 30, 2014, inclusive, or for any action for the foreclosure of a
610 mortgage on real property owned by a religious organization with a
611 return date during the period from October 1, 2011, to June 30, 2014,

612 inclusive, the mediation period under the foreclosure mediation
613 program established in section 49-31m, as amended by this act, shall
614 commence when the court sends notice to each appearing party
615 scheduling the first foreclosure mediation session. The mediation
616 period shall conclude [not later than the date sixty days after the return
617 date for the foreclosure action] not later than the conclusion of the
618 third mediation session between the mortgagor and mortgagee or
619 seven months after the return date, whichever is earlier, except that the
620 court may, in its discretion, for good cause shown, [(A) extend, by not
621 more than thirty days, or shorten the mediation period on its own
622 motion or upon motion of any party, or (B) extend by not more than
623 thirty days the mediation period upon written request of the mediator]
624 upon the motion of any party or request by the mediator, extend the
625 mediation period subject to the provisions of subdivision (9) of this
626 subsection or shorten the mediation period.

627 (2) [The first mediation session shall be held not later than fifteen
628 business days after the court sends notice to each appearing party in
629 accordance with subdivision (4) of subsection (c) of section 49-31l. On
630 and after October 1, 2011, the first mediation session shall be held not
631 later than thirty-five days after the court sends notice to each
632 appearing party in accordance with subdivision (4) of subsection (c) of
633 this section. On and after October 1, 2011, not later than fifteen
634 business days prior to the date of the initial mediation session, the
635 mortgagee shall deliver to the mortgagor (A) an account history
636 identifying all credits and debits assessed to the loan account in the
637 immediately preceding twelve-month period, and (B) the name,
638 business mailing address, electronic mail address, facsimile number
639 and direct telephone number of an individual able to process requests
640 to refinance or modify the mortgage loan at issue or otherwise take
641 action to avoid foreclosure of the mortgage. Any updates to the
642 information provided pursuant to subparagraph (B) of this subdivision
643 shall be provided reasonably promptly to the mortgagor and such
644 mortgagor's counsel.] The mortgagor and mortgagee shall appear in
645 person at each mediation session and shall have [authority to agree to

646 a proposed settlement] the ability to mediate, except that [(i)] (A) if
647 [the mortgagee] a party is represented by counsel, the [mortgagee's]
648 party's counsel may appear in lieu of the [mortgagee] party to
649 represent the [mortgagee's] party's interests at the mediation, provided
650 [such counsel has the authority to agree to a proposed settlement] the
651 party has the ability to mediate, the mortgagor attends the first
652 mediation session in person and the [mortgagee] party is available [(I)]
653 (i) during the mediation session by telephone, and [(II)] (ii) to
654 participate in the mediation session by speakerphone, provided an
655 opportunity is afforded for confidential discussions between the
656 [mortgagee] party and [mortgagee's] party's counsel, [and (ii)] (B)
657 following the initial mediation session, if there are two or more
658 mortgagors who are self-represented, only one mortgagor shall be
659 required to appear in person at each subsequent mediation session
660 unless good cause is shown, provided the other mortgagors are
661 available [(I)] (i) during the mediation session, and [(II)] (ii) to
662 participate in the mediation session by speakerphone, [provided an
663 opportunity is afforded for confidential discussions among the
664 mortgagors and such mortgagors' counsel. The court shall not award
665 attorney's fees to any mortgagee for time spent in any mediation
666 session if the court finds that such mortgagee has failed to comply with
667 this subdivision, unless the court finds reasonable cause for such
668 failure.] and (C) if a party suffers from a disability or other significant
669 hardship that imposes an undue burden on such party to appear in
670 person, the mediator may grant permission to such party to participate
671 in the mediation session by telephone. A mortgagor's spouse, who is
672 not a mortgagor but who lives in the subject property, may appear at
673 each mediation session, provided all appearing mortgagors consent, in
674 writing, to such spouse's appearance or such spouse shows good cause
675 for his or her appearance and the mortgagors consent, in writing, to
676 the disclosure of nonpublic personal information to such spouse. If the
677 mortgagor has submitted a complete package of financial
678 documentation in connection with a request for a particular
679 foreclosure alternative, the mortgagee shall have thirty-five days from
680 the receipt of the completed package to respond with a decision and, if

681 the decision is a denial of the request, provide the reasons for such
682 denial. If the mortgagor has, in connection with a request for a
683 foreclosure alternative, submitted a financial package that is not
684 complete, or if the mortgagee's evaluation of a complete package
685 reveals that additional information is necessary to underwrite the
686 request, the mortgagee shall request the missing or additional
687 information within a reasonable period of time of such evaluation. If
688 the mortgagee's evaluation of a complete package reveals that
689 additional information is necessary to underwrite the request, the
690 thirty-five-day deadline for a response shall be extended but only for
691 so long as is reasonable given the timing of the mortgagor's submission
692 of such additional information and the nature and context of the
693 required underwriting. Not later than the third business day after each
694 mediation session, the mediator shall file with the court a report
695 indicating, to the extent applicable, (i) the extent to which each of the
696 parties complied with the requirements set forth in this subdivision,
697 including the requirement to engage in conduct that is consistent with
698 the objectives of the mediation program and to possess the ability to
699 mediate, (ii) whether the mortgagor submitted a complete package of
700 financial documentation to the mortgagee, (iii) a general description of
701 the foreclosure alternative being requested by the mortgagor, (iv)
702 whether the mortgagor has previously been evaluated for similar
703 requests, whether prior to mediation or in mediation, and, if so,
704 whether there has been any apparent change in circumstances since a
705 decision was made with respect to that prior evaluation, (v) whether
706 the mortgagee has responded to the mortgagor's request for a
707 foreclosure alternative and, if so, a description of the response and
708 whether the mediator is aware of any material reason not to agree with
709 the response, (vi) whether the mortgagor has responded to an offer
710 made by the mortgagee on a reasonably timely basis, and if so, an
711 explanation of the response, (vii) whether the mortgagee has requested
712 additional information from the mortgagor and, if so, the stated
713 reasons for the request and the date by which such additional
714 information shall be submitted so that information previously
715 submitted by the mortgagor, to the extent possible, may still be used

716 by the mortgagee in conducting its review, (viii) whether the
717 mortgagor has supplied, on a reasonably timely basis, any additional
718 information that was reasonably requested by the mortgagee, and, if
719 not, the stated reason for not doing so, (ix) if information provided by
720 the mortgagor is no longer current for purposes of evaluating a
721 foreclosure alternative, a description of the out-of-date information
722 and an explanation as to how and why such information is no longer
723 current, (x) whether the mortgagee has provided a reasonable
724 explanation of the basis for a decision to deny a request for a loss
725 mitigation option or foreclosure alternative and whether the mediator
726 is aware of any material reason not to agree with that decision, (xi)
727 whether the mortgagee has complied with the timeframes set forth in
728 this subdivision for responding to requests for decisions, (xii) if a
729 subsequent mediation session is expected to occur, a general
730 description of the expectations for such subsequent session and for the
731 parties prior to such subsequent session and, if not otherwise
732 addressed in the report, whether the parties satisfied the expectations
733 set forth in previous reports, and (xiii) a determination of whether the
734 parties will benefit from further mediation. The mediator shall deliver
735 a copy of such report to each party to the mediation when the mediator
736 files the report. The parties shall have the opportunity to submit their
737 own supplemental information following the filing of the report,
738 provided such supplemental information shall be submitted not later
739 than five business days following the receipt of the mediator's report.
740 Any request by the mortgagee to the mortgagor for additional or
741 updated financial documentation shall be made in writing. The court
742 may impose sanctions on any party or on counsel to a party if such
743 party or such counsel engages in intentional or a pattern or practice of
744 conduct during the mediation process that is contrary to the objectives
745 of the mediation program. Any sanction that is imposed shall be
746 proportional to the conduct and consistent with the objectives of the
747 mediation program. Available sanctions shall include, but not be
748 limited to, terminating mediation, ordering the mortgagor or
749 mortgagee to mediate in person, forbidding the mortgagee from
750 charging the mortgagor for the mortgagee's attorney's fees, awarding

751 attorney's fees, and imposing fines. In the case of egregious
752 misconduct, the sanctions shall be heightened. The court shall not
753 award attorney's fees to any mortgagee for time spent in any
754 mediation session if the court finds that such mortgagee has failed to
755 comply with this subdivision, unless the court finds reasonable cause
756 for such failure.

757 (3) [Not later than two days after the conclusion of the first
758 mediation session, the mediator shall determine whether the parties
759 will benefit from further mediation. The mediator shall file with the
760 court a report setting forth such determination and mail a copy of such
761 report to each appearing party.] If the mediator reports to the court
762 that the parties will not benefit from further mediation, the mediation
763 period shall terminate automatically. If the mediator reports to the
764 court after the first or second mediation session that the parties may
765 benefit from further mediation, the mediation period shall continue.
766 [Either party's failure to comply with the documentation requirements
767 of this section or section 49-31I shall not be grounds for terminating the
768 mediation period before a second mediation session is conducted.]

769 (4) [If the mediator has submitted a report to the court that the
770 parties may benefit from further mediation pursuant to subdivision (3)
771 of this subsection, not more than two days after the conclusion of the
772 mediation, but not later than the termination of the mediation period
773 set forth in subdivision (1) of this subsection, the mediator shall file a
774 report with the court describing the proceedings and specifying the
775 issues resolved, if any, and any issues not resolved pursuant to the
776 mediation. The filing of the report shall terminate the mediation period
777 automatically.] If the mediation period concludes and certain issues
778 have not been resolved pursuant to the mediation, the mediator may
779 refer the mortgagor to any appropriate community-based services that
780 are available in the judicial district, but any such referral shall not
781 cause a delay in the mediation process.

782 (5) The Chief Court Administrator shall establish policies and
783 procedures to implement this subsection. Such policies and procedures

784 shall, at a minimum, provide that the mediator shall advise the
785 mortgagor at the first [mediation session] meeting required by
786 [subdivision (2) of this subsection] subdivision (4) of subsection (c) of
787 section 49-311, as amended by this act, that: (A) Such mediation does
788 not suspend the mortgagor's obligation to respond to the foreclosure
789 action beyond the limited time frame described in subdivision (6) of
790 subsection (c) of section 49-311, as amended by this act; and (B) a
791 judgment of strict foreclosure or foreclosure by sale may cause the
792 mortgagor to lose the residential real property or real property owned
793 by a religious organization to foreclosure.

794 (6) In no event shall any determination issued by a mediator under
795 this program form the basis of an appeal of any foreclosure judgment.

796 (7) The foreclosure mediation program shall terminate when all
797 mediation has concluded with respect to any foreclosure action with a
798 return date during the period from July 1, 2009, to June 30, 2014,
799 inclusive.

800 (8) At any time during the mediation period, the mediator may refer
801 a mortgagor who is the owner-occupant of one-to-four family
802 residential real property to the mortgage assistance programs, except
803 that any such referral shall not prevent a mortgagee from proceeding
804 to judgment when the conditions specified in subdivision (6) of
805 subsection (c) of section 49-311, as amended by this act, have been
806 satisfied.

807 (9) (A) The mediation period shall conclude following the third
808 mediation session or if more than seven months have elapsed since the
809 return date. Not later than fifteen days following the conclusion of the
810 mediation period, and any subsequent extended mediation sessions
811 held in accordance with this subdivision, any party may move for, or
812 the mediator may request, an extension of the mediation period. The
813 court shall grant only one additional mediation session per motion or
814 request upon a finding that it is highly probable the parties will reach
815 an agreement through mediation. The court may also grant one

816 additional mediation session per motion or request upon a finding that
817 any party has engaged, either intentionally or by a pattern or practice,
818 in conduct that is contrary to the objectives of the mediation program.
819 The court shall make its ruling not later than twenty days after the
820 filing of such motion or request, and no judgment of strict foreclosure
821 or any judgment ordering a foreclosure sale shall be entered until (i)
822 the court denies the motion or request, or (ii) the conclusion of the
823 subsequent extended mediation session, except as provided in
824 subparagraph (B) of this subdivision. Upon the grant of an additional
825 mediation session following the proper finding, the court shall
826 establish a reasonably expeditious deadline for such subsequent
827 extended mediation session to occur. Such extended mediation period
828 shall conclude following such subsequent extended mediation session.

829 (B) The mediation period may be extended for one additional
830 mediation session without a hearing held pursuant to this subdivision
831 provided all parties to the mediation agree that such parties would
832 benefit from such a session and, in consultation with the mediator,
833 establish a reasonably expeditious deadline for such session to take
834 place.

835 (C) To determine whether to extend mediation, the court may
836 consider all matters that have arisen in the mediation, including, but
837 not limited to, the number of motions to extend mediation, the reasons
838 for which an agreement has not been reached, the objectives of the
839 mediation program, the extent to which the parties will benefit from
840 further mediation, the reports submitted by the mediator, papers
841 submitted in connection with any motion, and any supplemental
842 reports submitted by a party. The court shall articulate its reasons in
843 the order granting or denying any such motion or request to extend
844 mediation.

845 (10) For any case pending as of October 1, 2013, in which mediation
846 is ongoing, (A) if three or fewer sessions have been held, such case
847 shall be treated as if no sessions have been held as of said date for
848 purposes of subdivision (9) of this subsection, and (B) if four or more

849 sessions have been held, then any party or the mediator may move to
850 terminate the mediation period or extend such period in accordance
851 with subdivision (9) of this subsection and, if no such motion to extend
852 is made, the mediation period shall conclude after the third mediation
853 session occurring after October 1, 2013.

854 (d) (1) Not later than February 14, 2014, the Chief Court
855 Administrator shall submit, in accordance with the provisions of
856 section 11-4a, to the joint standing committee of the General Assembly
857 having cognizance of matters relating to banks, a summary regarding
858 the mediation program and a general summary of the data collected in
859 the reports submitted pursuant to subdivision (2) of subsections (b)
860 and (c) of this section from July 1, 2013, to December 31, 2013,
861 inclusive. Such summaries shall include, but not be limited to, the
862 aggregate data regarding the number of cases in mediation, the
863 number of mediation sessions held, the number of agreements reached
864 before the conclusion of the mediation period, the number of motions
865 or requests for an extension or continuance and the identity of the
866 party that made such a motion or request, whether the loan at issue
867 was serviced by a third party, the judicial district in which the
868 mediation took place and whether the mortgagor was self-represented.

869 (2) Not later than February 14, 2015, the Chief Court Administrator
870 shall submit, in accordance with the provisions of section 11-4a, to the
871 joint standing committee of the General Assembly having cognizance
872 of matters relating to banks, a summary of the reports submitted from
873 July 1, 2013, to December 31, 2014, inclusive, pursuant to subdivision
874 (2) of subsections (b) and (c) of this section. The detailed data points for
875 such summary, including data to be collected but not reported, shall be
876 developed by the Chief Court Administrator in consultation with
877 representatives from the Governor's office, the banking industry and
878 consumer advocates.

879 Sec. 5. (NEW) (*Effective July 15, 2013*) (a) In a foreclosure action, the
880 mortgagee may, notwithstanding any other law or rule to the contrary,
881 file a motion for judgment of foreclosure simultaneously with a motion

882 for default for failure to appear, if such mortgagee proves, by clear and
883 convincing evidence and the use of a proper affidavit, that the real
884 property that is the subject of the foreclosure action is not occupied by
885 a mortgagor, tenant or other occupant and not less than three of the
886 following conditions exist:

887 (1) Statements of neighbors, delivery persons or government
888 employees indicating that the property is vacant and abandoned;

889 (2) Windows or entrances to the property that are boarded up or
890 closed off or multiple window panes that are damaged, broken or
891 unrepaired;

892 (3) Doors to the property are smashed through, broken off,
893 unhinged or continuously unlocked;

894 (4) Risk to the health, safety or welfare of the public or any
895 adjoining or adjacent property owners that exists due to acts of
896 vandalism, loitering, criminal conduct or the physical destruction of
897 the property;

898 (5) An order by municipal authorities declaring the property to be
899 unfit for occupancy and to remain vacant and unoccupied;

900 (6) The mortgagee secured or winterized the property due to the
901 property being deemed vacant and unprotected or in danger of
902 freezing; or

903 (7) A written statement issued by any mortgagor or tenant
904 expressing the clear intent of all occupants to abandon the property.

905 (b) A foreclosure action shall not proceed under the expedited
906 procedures contemplated under subsection (a) of this section if there is
907 on the property (1) an unoccupied building undergoing construction,
908 renovation or rehabilitation that is (A) proceeding diligently toward
909 completion, and (B) in compliance with all applicable ordinances,
910 codes, regulations and statutes, (2) a secure building occupied on a

- 911 seasonal basis, or (3) a secure building that is the subject of a probate
912 action to quiet title or other ownership dispute."

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 15, 2013</i>	49-31k
Sec. 2	<i>July 15, 2013</i>	49-31l
Sec. 3	<i>July 15, 2013</i>	49-31m
Sec. 4	<i>July 15, 2013</i>	49-31n
Sec. 5	<i>July 15, 2013</i>	New section